

**BARBERING AND COSMETOLOGY EXAMINING BOARD MEETING  
MINUTES  
MADISON, WI  
December 3, 2001**

**PRESENT:** Barbara Flaherty, Bruce Bennett, Laura Jenkins, Karen Kraus, Leon Lauer, Marvile Martin, Lorraine Norem, Denise Svetly, Danny Trotter

**STAFF PRESENT:** Katharine Hildebrand, Wayne Austin, Judy Mender, Barb Showers, Grace Schwingel, Ralph Draeger and Michelle Krisher

**GUESTS:** Lee Martinez, new Board member who will replace Danny Trotter on the Board  
Ken Moore, Supervisor in the Bureau of Apprenticeship Standards at the Department of Workforce Development (DWD)  
Ron Rogers from Continental Testing Service who came with Barb Showers  
Several guests from various salons

**CALL TO ORDER**

The meeting was called to order at 9:35 a.m. by Barb Flaherty, Chair.

**AGENDA**

Hildebrand announced some changes to the agenda. Item 6.a. on the agenda will not be discussed today. Examination Issues will be discussed right after the Legislative Update. Ron Rogers from Continental Testing Service is here to speak about the "Train the Trainer Program" and answer any questions the Board may want to ask him or Barb Showers. Ken Moore from DWD is at the meeting to speak about the Apprenticeship Program (#5 on the agenda).

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to approve the agenda, as amended above. Motion carried unanimously.

**MINUTES (10/8/01)**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to approve the minutes of 10/8/01. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Herrera**

Secretary Oscar Herrera, on behalf of Governor Scott McCallum, presented Danny Trotter with a plaque of commendation to honor and thank Danny Trotter for the ten years of distinguished service he has given to the Barbering and Cosmetology Examining Board, the Department and the citizens of the State of Wisconsin.

## **Board Roster**

Hildebrand introduced Lee Martinez, who will be replacing Danny Trotter on the Board. Lee Martinez introduced himself to the Board, and gave a brief review of his background and service on other boards. Denise Svetly requested that no first initial (K) be used in front of her name on the Board Roster.

## **2002 Meeting Dates**

Approved.

## **Summary of Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted.

## **Press Releases and List of Disciplinary Orders**

Noted.

## **To -Do List**

The To-Do List from the October 8, 2001 meeting was reviewed. In the future, the To-Do List will not be included in the Board agenda packet. It was decided that this was "in-house" information and did not need to be distributed as public information. The To-Do List will be distributed to Board members in their red folders at the Board meeting.

## **Regulatory Digest Draft**

The Continuing Education Committee will write an article on Continuing Education for the next Regulatory Digest. Hildebrand, along with Ken Moore will prepare an article on the "Train the Trainer Program." An article on apprentices, NIC information was suggested as a topic for an article for the Regulatory Digest; Hildebrand, Martin and Showers will work on these topics. January 15, 2002 is the deadline for getting articles submitted for the next Regulatory Digest.

In the future, the Regulatory Digest Draft will not be included in the Board agenda packet. It was decided that this was "in-house" information of work in progress and did not need to be distributed as public information. The Regulatory Digest Draft will be distributed to Board members in their red folders at the Board meeting. It was felt that only the final version of the Regulatory Digest should be distributed to avoid distributing information that may be incorrect, incomplete or otherwise misleading.

## **APPRENTICESHIP PROGRAM**

### **Information regarding Train-the-Trainer Program**

Ken Moore, Department of Workforce Development, handed out materials and reviewed for the Board the "Train-the-Trainer" program developed by DWD and answered Board members' questions. It was suggested that Board members might want to take this training, which is a highly interactive program. At this time there is no cost to participants for this training. If Board

members want more information on this training they can contact Ken Moore or Karen Morgan at DWD at (608-266-3132). The Board was very impressed with the caliber of this training program. Judy Mender will keep a copy of the curriculum that Ken Moore handed out for the Board to review.

## **PRACTICE ISSUES**

### **Report from the Continuing Education Committee**

Karen Kraus gave a report on the meeting of the Continuing Education Committee. The Committee is exploring the possibility of more formalized training and credentialing for practitioners, managers and instructors. The Committee focused on a long-term upgrading of how to impact this industry. If the Board is going to consider asking professionals to upgrade to an associate or bachelor's degree, the Committee is emphasizing that the professional image needs to change. Some questions the Committee is posing are what do we want that professional nature or image to look like? How are we impacting the industry by asking someone to become a more academic individual? What's the purpose and what's the advantage of a higher degree?"

The Board is investigating how other boards in Wisconsin, and other states that have continuing education, are dealing with this issue. The Committee will meet again before the February meeting. The Secretary will formally appoint the Committee members.

## **LEGISLATIVE UPDATE**

Senator Ladwig did not bring up her shampooing bill during this legislative session.

## **EXAMINATION ISSUES**

### **Plans for Practitioner Practical Examination Changes**

Barbara Showers and Ron Rogers reviewed the memo dated November 16, 2001 on Practical Exam Scoring for the Board to consider. The Board felt this proposal was a good start. It's a living document that can be refined and changed as needed.

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to adopt the proposed exam scoring procedure of the Practitioner practical examination developed by the Exam Office as presented by Barbara Showers. Motion carried unanimously.

Barb Showers handed out a sheet presenting the four scoring options the Board has and reviewed the various scoring options (A, B, C, or D) for weighting the individual parts of the exam.

**MOTION:** Leon Lauer moved, seconded by Karen Kraus, to accept weighting option as presented under Option D of the Scoring Options presented by Barb Showers. Motion carried unanimously.

## **New RFP for B/C Examination Services**

Showers informed the Board of the "Request For Proposals" (RFP) process cycle for the Barbering and Cosmetology examination. Every three years the Department does a RFP process. The current contract expires in January 2003. The Exam Office starts the process one year early in order to have the time to be able to handle any implementation issues arise that require changes. There is a very structured and formal state process, with specific deadlines and specifications that must be met, in which all companies that provide any type of examination services are asked to bid on the service they provide. The Department, under the supervision of the Department of Administration, administers the RFP process in a very objective and neutral manner.

## **ADMINISTRATIVE RULES**

Legal Counsel, Wayne Austin, reviewed the revisions to the draft of the administrative rule revisions amending section BC3.02 (2) (c). The Board's intent in this rule revision is to make it clear that an individual renting a chair must have an establishment and a manager's license. One concern of the Board is that as the rule stands now, if a manager is absent for a day or longer, there are many people and businesses that are functioning without any leadership or guidance. Another concern of the Board was about misleading licensees by creating a rule that, if followed, would get licensees in trouble with the IRS, while at the same time recognizing that it is not the Board's responsibility to deal with IRS requirements. Austin will redraft the rule, BC 3.02 (2), to comply with the Board's intent that there must be a licensed manager in any salon at all times.

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to change the statutes to require that an individual renting a chair, must have an establishment and a manager's license in a booth rental situation. Motion carried unanimously.

There was also a concern regarding BC 4.03 (2) dealing with sterilization issues, which states that "equipment should be checked periodically based upon manufacturer's recommendations to ensure that it is reaching required temperatures." When a board member looked in the booklet giving the manufacturer's recommendations for maintaining their sterilizer, it read "be sure to follow your state's requirements for obtaining periodic testing of the sterilizer." So, some manufacturers evidently do not give specific recommendations, but instead hand off this responsibility to the individual states.

**MOTION:** Leon Lauer moved, seconded by Marvile Martin, to change the statute BC 4.03 (2) to specify that sterilizing equipment be checked quarterly to ensure that it is reaching required temperatures, and strike the phrase "~~based on manufacturer's recommendations~~." BC 4.09 (3) dealing with electrolysis should be changed to read "thoroughly wash the skin area to be treated with soap and water" and strike the term pierced.

## **LEGAL COUNSEL REVIEW**

Legal Counsel, Wayne Austin, explained his procedure of including in the agenda packet practice questions he receives and his response to those questions as a matter of keeping the Board informed. Austin reviewed the issue in question received in a letter from Attorney Joseph

M. Recka, about services provided outside of a licensed establishment under BC 2.045, which allows this practice in specific situations.

## **BOARD MEMBER ACTIVITY**

### **NIC Conference Report and Materials (Barb Flaherty)**

Barb Flaherty gave a report on the NIC Conference she went to and passed around a folder of information she had that will be very helpful when dealing with the legislature on a variety of issues.

## **DIVISION OF ENFORCEMENT**

Nothing.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

### **NACCAS Accreditation Survey**

The sharp decline in graduates from NACCAS accredited cosmetology schools in the U.S. was noted. In 1970, there were over 300,000 cosmetology school graduates, in 1980 there were 160,000 cosmetology school graduates from 1,700 NACCAS schools. In 2001, that number dropped further still to 82,000 student graduates.

## **NEW BUSINESS**

Nothing.

## **PRESENTATION OF PROPOSED STIPULATIONS**

Proposed stipulations were discussed in closed session

## **CONVENE TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Lorraine Norem, to convene in closed session to deliberate on cases involving hearings (s. 19.85 (1)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats. to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.) Motion carried by a roll call vote: Barb Flaherty-yes, Bruce Bennett-yes, Laura Jenkins-yes, Karen Kraus-yes, Leon Lauer-yes, Marvile Martin-yes, Lorraine Norem-yes, Denise Svetly-yes, Danny Trotter-yes.

Open Session recessed at 12:15 p.m.

## **CLOSED SESSION**

The Board deliberated on case closings and stipulations.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Karen Kraus moved, seconded by Denise Svetly, to reconvene in Open Session at 12:25 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Denise Svetly, to approve the stipulations for: Vera Meneese, Augunetta Farr, Irene Schreiber, Steven Reed, Nghia V. Dong, Mai Tuyet Dong and Dao V. Nguyen. Motion carried unanimously. All stipulations are final.

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, that the Board agrees to close the following cases, as discussed in closed session. Motion carried unanimously.

#### **Case Closings:**

01 BAC 097 - P2

01 BAC 036 - no violation

01 BAC 016 - P2

### **NEXT MEETING AGENDA ITEMS**

Continue the discussion on DWD's Train-the-Trainer Program.

### **ADJOURNMENT**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to adjourn the meeting at 12:35 p.m. Motion carried unanimously.

**NEXT MEETING: Monday, February 4, 2002**

DATE: January 25, 2002

TO: Katharine Hildebrand

FROM: Grace Schwingel

SUBJECT: Barbering & Cosmetology Examining Board Meeting, December 3, 2001 To Do List

1. **Grace Schwingel** will see that corrections to the Board Roster are made re: Denise Svetly.
2. The **Continuing Education Committee** will write an article on Continuing Education for the next Regulatory Digest. January 15, 2002 is the deadline for getting articles submitted for the next Regulatory Digest.
3. **Hildebrand**, along with **Ken Moore** will prepare an article on the "Train the Trainer Program." An article on apprentices, NIC information was suggested as a topic for an article for the Regulatory Digest; **Hildebrand, Martin and Showers** will work on these topics. January 15, 2002 is the deadline for getting articles submitted for the next Regulatory Digest. There will be a finalized Regulatory Digest ready for the Board's February meeting.
4. **Board members** will write a paragraph on themselves to submit to Karen Krause.